

MINUTES  
MERCURY WORK GROUP, TRIENNIAL REVIEW  
POLICY DISCUSSION  
Indiana Department of Environmental Management  
2525 North Shadeland Avenue  
Conference Room C  
Indianapolis, IN  
1:00 pm –3:00 pm  
October 3, 2002

Present at meeting

IDEM – John Donnellan, Jon Mangles, Larry Wu, MaryAnn Stevens

EPA (conference call) – David Pfeifer, Morris Beaton, Matt Gluckman

Others present - John Chavez (Indianapolis), Kevin Hoge(Nisource), Tim Lohner (AEP), Bob Johnson (Inland), Paula Yeager (IWF)

The following topics were discussed:

Draft Workplan Participant list

The draft workplan contains a list of the participants of the project team. After Jon Mangles provided some general background information, this participant list was discussed. Jon explained the process by which people were contacted.

Jon Bates (IDEM – air) was contacted but chose not to participate. Marty Risch is listed and will be able to provide technical expertise on an occasional basis. Tom Neltner was invited to participate during the 10-3 morning Triennial Review general meeting. However, he indicated that he was unsure if he wanted to participate and did not want to commit at this time. US Fish and Wildlife was invited but has yet to make a decision.

The next issue was finding an independent expert to be a part of the group. CEI has recommended Don Silvey. Another name that was mentioned was Leonard Levin of the Electric Power Research Institute. It may be possible to have more than one expert. Each person may be contacted about a specific issue as needed. A list of possible candidates will be made which the group will discuss at the next meeting.

Draft Workplan- General

It was proposed and agreed that the name of the group would be changed from “Mercury Variance Work Group” to “Mercury Work Group” to emphasize that alternative solutions to the Mercury problem are being considered.

It was stated that the reason that USFWS was invited was that Mercury was a BCC and may effect endangered species. Of particular importance was the bald eagle. Paula Yeager said that there are 36 nesting pairs in Indiana. EPA said that they will contact USFWS to encourage them to participate.

Larry Wu said that in Task 7 of the Workplan, the 60 day comment period could probably be reduced to 30 days. He also suggested overlapping tasks 4,5, and 6. He said the draft rule process could take months to a year and that holding public meetings on this issue throughout the State may be a good idea.

MaryAnn Stevens suggested that the Proposed variance rule from 1999 (second public notice) should be reviewed to see if a modified form of this could be used. The 1999 proposed Hg variance required the Permittee to meet certain requirements including: they can't meet the WQBEL, there are no reasonable means to meet the limit and, they have taken Mercury minimization steps. The 1999 proposed Hg variance was only a few pages long. She also suggested public participation in the Background research phase of the project.

Jon Mangles explained that the 1999 proposed rule revisions were withdrawn and reissued as 4 separate rule revisions. The current proposed rule revisions for Mercury had a first public notice on June 1, 2002. He said that we will look at the 1999 rule revisions in Task 3 – Identification of Background Research Needs.

John Chavez indicated that he has researched the issue for several years and he thinks that a Mercury variance will probably be the only way to deal with this issue. He also said that we need to have a timeline since these issues could be debated indefinitely.

EPA said that other Region 5 states are pursuing State-wide Mercury variances. The new method 1631 is detecting Mercury at levels above the GLI standard of 1.3 ng/l. However, the levels are not drastically higher than the standard in most cases.

Bob Johnston said that he thought the Mercury variance would be the way to go. He suggested that we could use the 1999 proposed Hg variance as a template.

Another issue raised was whether we will look at just water quality or will we consider air deposition. Pollution Minimization Plans would impact this. This issue will be discussed in the future.

### Operating Guidelines

A draft Mercury Work Group Operating Guidelines document was discussed. This document covers the topics of communications, Team meetings, decision making, and conflict resolution. The basic procedure for decision making is to first try to form a consensus. If this is not possible then the group tries to find a compromise. If this doesn't work then other measures will be considered.

### Next meeting

The next scheduled meeting is tentatively scheduled on 11-21-02 during which the final version of the workplan will be evaluated.